THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9   UNITED STATES OF AMERICA,   CASE NO. CR20-0129-JCC

10   Plaintiff,   ORDER

11   v.

12   MARGARET AISLINN CHANNON,

13   Defendant.

14

15   This matter comes before the Court on the parties' joint motion to continue trial (Dkt. No.

16   59). Having thoroughly considered the motion and the relevant record, the Court hereby

17   GRANTS the motion for the reasons explained herein.

18   On August 20, 2020, Ms. Channon was charged by indictment with arson, using fire to

19   commit a felony, and obstructing law enforcement officers during a civil disorder. (Dkt. No. 44.)

20   Trial was originally scheduled for October 19, 2020, (Dkt. No. 50), but the Court granted the

21   parties' stipulated motions to continue trial to March 8, 2021, (Dkt. No. 53), and then June 7,

22   2021, (Dkt. No. 57), based on the courthouse closures required by the COVID-19 pandemic and

23   the need for defense counsel to have adequate time to prepare for trial.

24   The parties now move for a third continuance to November 15, 2021 because Ms.

25   Channon and her counsel need additional time to review the voluminous discovery the

26   Government produced and because of the continued effect of the COVID-19 pandemic on the

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1   Court's ability to conduct jury trials. (*See generally* Dkt. No. 59.) Indeed, the COVID-19

2   pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20,

3   07-20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21 each of which the Court incorporates by

4   reference.) The pandemic has made it difficult for the Court to obtain an adequate spectrum of

5   jurors to represent a fair cross section of the community, and public health guidance has

6   impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom.

7   (*See generally id.*) As a result, the Court has been unable to conduct any criminal trials in the

8   courthouse since March 2020. Although the availability of a vaccine makes it likely that the

9   Court will be able to resume in-person criminal trials in mid-May 2021, the Court will continue

10 to be limited by public health measures, such as limits on the number of people in the courthouse

11 and courtrooms, which will affect the Court's ability to try cases as efficiently as it would absent

12 a pandemic and will require that most trials be continued past June 30, 2021. *See* General Order

13 04-21 at 2.

14   For all the reasons set forth in the parties' joint motion and this Order, the Court

15 CONTINUES trial to November 15, 2021 and FINDS that the ends of justice served by

16 continuing the trial in this case outweigh the best interest of the public and Defendant to a speedy

17 trial. The Court further FINDS:

18   1. Taking into account the exercise of due diligence, the failure to grant a continuance

19   would deny Defendant's counsel reasonable time necessary for effective preparation,

20   *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of

21   justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).

22   2. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate

23   spectrum of jurors to represent a fair cross section of the community, which would

24   likely make proceeding on the current case schedule impossible or would result in a

25   miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

26   3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and

1   Court staff to be present in the courtroom. Therefore, proceeding with the current trial

2   date would likely be impossible or would result in a miscarriage of justice. *See* 18

3   U.S.C. § 3161(h)(7)(B)(i).

4 Accordingly, the Court ORDERS:

5   1. Trial is CONTINUED to November 15, 2021.

6   2. The pretrial motions deadline is CONTINUED to September 20, 2021.

7   3. The period of time between the date of this Order and the new trial date is an

8   excludable time period under 18 U.S.C. § 3161(h)(7)(A).

9   DATED this 20th day of April 2021.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

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